

Senate Study Bill 3277

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the compensation and benefits for public
2 officials and employees, providing for related matters, and
3 making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5258XG 82
6 mg/jp/8

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1 1 Section 1. STATE COURT == JUSTICES, JUDGES, AND
1 2 MAGISTRATES.
1 3 1. The salary rates specified in subsection 2 are for the
1 4 fiscal year beginning July 1, 2008, effective for the pay
1 5 period beginning June 27, 2008, and for subsequent fiscal
1 6 years until otherwise provided by the general assembly. The
1 7 salaries provided for in this section shall be paid from funds
1 8 appropriated to the judicial branch from the salary adjustment
1 9 fund or if the appropriation is not sufficient, from funds
1 10 appropriated to the judicial branch pursuant to any Act of the
1 11 general assembly.
1 12 2. The following annual salary rates shall be paid to the
1 13 persons holding the judicial positions indicated during the
1 14 fiscal year beginning July 1, 2008, effective with the pay
1 15 period beginning June 27, 2008, and for subsequent pay
1 16 periods.
1 17 a. Chief justice of the supreme court:
1 18 \$ 157,702
1 19 b. Each justice of the supreme court:
1 20 \$ 151,297
1 21 c. Chief judge of the court of appeals:
1 22 \$ 145,983
1 23 d. Each associate judge of the court of appeals:
1 24 \$ 140,841
1 25 e. Each chief judge of a judicial district:
1 26 \$ 137,628
1 27 f. Each district judge except the chief judge of a
1 28 judicial district:
1 29 \$ 132,400
1 30 g. Each district associate judge:
1 31 \$ 116,610
1 32 h. Each associate juvenile judge:
1 33 \$ 116,610
1 34 i. Each associate probate judge:
1 35 \$ 116,610
2 1 j. Each judicial magistrate:
2 2 \$ 35,928
2 3 k. Each senior judge:
2 4 \$ 7,455
2 5 3. Persons receiving the salary rates established under
2 6 this section shall not receive any additional salary
2 7 adjustments provided by this division of this Act.
2 8 Sec. 2. ELECTIVE EXECUTIVE OFFICIALS.
2 9 1. The annual salary rates specified in this section are
2 10 effective for the fiscal year beginning July 1, 2008, with the
2 11 pay period beginning June 27, 2008, and for subsequent fiscal
2 12 years until otherwise provided by the general assembly. The
2 13 salaries provided for in this section shall be paid from funds
2 14 appropriated to the department or agency specified in this
2 15 section from the salary adjustment fund or if the
2 16 appropriation is not sufficient, from funds appropriated to
2 17 the department or agency pursuant to any Act of the general
2 18 assembly.

2 19 2. The following annual salary rates shall be paid to the
 2 20 person holding the position indicated:
 2 21 a. OFFICE OF THE GOVERNOR AND LIEUTENANT GOVERNOR
 2 22 (1) Salary for the governor:
 2 23 \$ 133,900
 2 24 (2) Salary for the lieutenant governor:
 2 25 \$ 106,308
 2 26 b. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 2 27 Salary for the secretary of agriculture:
 2 28 \$ 106,308
 2 29 c. DEPARTMENT OF JUSTICE
 2 30 Salary for the attorney general:
 2 31 \$ 127,379
 2 32 d. OFFICE OF THE AUDITOR OF STATE
 2 33 Salary for the auditor of state:
 2 34 \$ 106,308
 2 35 e. OFFICE OF THE SECRETARY OF STATE
 3 1 Salary for the secretary of state:
 3 2 \$ 106,308
 3 3 f. OFFICE OF THE TREASURER OF STATE
 3 4 Salary for the treasurer of state:
 3 5 \$ 106,308

3 6 Sec. 3. APPOINTED STATE OFFICERS. The governor shall
 3 7 establish a salary for appointed nonelected persons in the
 3 8 executive branch of state government holding a position
 3 9 enumerated in the section of this Act that addresses the
 3 10 salary ranges of state officers within the range provided, by
 3 11 considering, among other items, the experience of the
 3 12 individual in the position, changes in the duties of the
 3 13 position, the incumbent's performance of assigned duties, and
 3 14 subordinates' salaries. However, the attorney general shall
 3 15 establish the salary for the consumer advocate, the chief
 3 16 justice of the supreme court shall establish the salary for
 3 17 the state court administrator, the ethics and campaign
 3 18 disclosure board shall establish the salary of the executive
 3 19 director, the Iowa public broadcasting board shall establish
 3 20 the salary of the administrator of the public broadcasting
 3 21 division of the department of education, and the state fair
 3 22 board shall establish the salary of the secretary of the state
 3 23 fair board, each within the salary range provided in the
 3 24 section of this Act that addresses the salary ranges of state
 3 25 officers.

3 26 The governor, in establishing salaries as provided in the
 3 27 section of this Act that addresses the salary ranges of state
 3 28 officers, shall take into consideration other employee
 3 29 benefits which may be provided for an individual including but
 3 30 not limited to housing.

3 31 A person whose salary is established pursuant to the
 3 32 section of this Act that addresses the salary ranges of state
 3 33 officers and who is a full-time, year-round employee of the
 3 34 state shall not receive any other remuneration from the state
 3 35 or from any other source for the performance of that person's
 4 1 duties unless the additional remuneration is first approved by
 4 2 the governor or authorized by law. However, this provision
 4 3 does not exclude the reimbursement for necessary travel and
 4 4 expenses incurred in the performance of duties or fringe
 4 5 benefits normally provided to employees of the state.

4 6 Sec. 4. STATE OFFICERS == SALARY RANGE. The following
 4 7 annual salary ranges are effective for the positions specified
 4 8 in this section for the fiscal year beginning July 1, 2008,
 4 9 and for subsequent fiscal years until otherwise provided by
 4 10 the general assembly. The governor or other person designated
 4 11 in the section of this Act relating to appointed state
 4 12 officers shall determine the salary to be paid to the person
 4 13 indicated at a rate within this salary range from funds
 4 14 appropriated by the general assembly for that purpose.

4 15 1. The following are salary ranges for appointed state
 4 16 officers for the fiscal year beginning July 1, 2008, effective
 4 17 with the pay period beginning June 27, 2008:

SALARY RANGE	Minimum	Maximum
a. Range 2	\$ 48,160	\$ 73,700
b. Range 3	\$ 55,380	\$ 84,750
c. Range 4	\$ 63,690	\$ 97,460
d. Range 5	\$ 73,250	\$112,070
e. Range 6	\$ 84,240	\$128,890
f. Range 7	\$100,840	\$154,300

4 25 2. The following are range 2 positions: administrator of
 4 26 the arts division of the department of cultural affairs,
 4 27 administrators of the division of persons with disabilities,
 4 28 the division on the status of women, the division on the
 4 29 status of Iowans of Asian and Pacific Islander heritage, the

4 30 division on the status of African-Americans, the division of
4 31 deaf services, and the division of Latino affairs of the
4 32 department of human rights.

4 33 3. The following are range 3 positions: administrator of
4 34 the division of criminal and juvenile justice planning of the
4 35 department of human rights, administrator of the division of
5 1 community action agencies of the department of human rights,
5 2 executive director of the department of veterans affairs, and
5 3 chairperson and members of the employment appeal board of the
5 4 department of inspections and appeals.

5 5 4. The following are range 4 positions: director of the
5 6 department of human rights, director of the Iowa state civil
5 7 rights commission, executive director of the college student
5 8 aid commission, director of the department for the blind,
5 9 executive director of the ethics and campaign disclosure
5 10 board, members of the public employment relations board, and
5 11 chairperson, vice chairperson, and members of the board of
5 12 parole.

5 13 5. The following are range 5 positions: administrator of
5 14 the division of homeland security and emergency management of
5 15 the department of public defense, state public defender, drug
5 16 policy coordinator, labor commissioner, workers' compensation
5 17 commissioner, director of the department of cultural affairs,
5 18 director of the department of elder affairs, director of the
5 19 law enforcement academy, and administrator of the historical
5 20 division of the department of cultural affairs.

5 21 6. The following are range 6 positions: director of the
5 22 office of energy independence, superintendent of banking,
5 23 superintendent of credit unions, administrator of the
5 24 alcoholic beverages division of the department of commerce,
5 25 director of the department of inspections and appeals,
5 26 commandant of the Iowa veterans home, commissioner of public
5 27 safety, commissioner of insurance, executive director of the
5 28 Iowa finance authority, director of the department of natural
5 29 resources, consumer advocate, and chairperson of the utilities
5 30 board. The other members of the utilities board shall receive
5 31 an annual salary within a range of not less than 90 percent
5 32 but not more than 95 percent of the annual salary of the
5 33 chairperson of the utilities board.

5 34 7. The following are range 7 positions: administrator of
5 35 the public broadcasting division of the department of
6 1 education, director of the department of corrections, director
6 2 of the department of education, director of human services,
6 3 director of the department of economic development, executive
6 4 director of the Iowa telecommunications and technology
6 5 commission, executive director of the state board of regents,
6 6 director of transportation, director of the department of
6 7 workforce development, director of revenue, director of public
6 8 health, state court administrator, secretary of the Iowa state
6 9 fair board, director of the department of management, and
6 10 director of the department of administrative services.

6 11 Sec. 5. COLLECTIVE BARGAINING AGREEMENTS FUNDED == GENERAL
6 12 FUND. There is appropriated from the general fund of the
6 13 state to the salary adjustment fund for distribution by the
6 14 department of management to the various state departments,
6 15 boards, commissions, councils, and agencies, including the
6 16 state board of regents and the judicial branch, for the fiscal
6 17 year beginning July 1, 2008, and ending June 30, 2009, the
6 18 amount of \$87,315,000, or so much thereof as may be necessary,
6 19 to fully fund annual pay adjustments, expense reimbursements,
6 20 and related benefits implemented pursuant to the following:

6 21 1. The collective bargaining agreement negotiated pursuant
6 22 to chapter 20 for employees in the blue collar bargaining
6 23 unit.

6 24 2. The collective bargaining agreement negotiated pursuant
6 25 to chapter 20 for employees in the public safety bargaining
6 26 unit.

6 27 3. The collective bargaining agreement negotiated pursuant
6 28 to chapter 20 for employees in the security bargaining unit.

6 29 4. The collective bargaining agreement negotiated pursuant
6 30 to chapter 20 for employees in the technical bargaining unit.

6 31 5. The collective bargaining agreement negotiated pursuant
6 32 to chapter 20 for employees in the professional fiscal and
6 33 staff bargaining unit.

6 34 6. The collective bargaining agreement negotiated pursuant
6 35 to chapter 20 for employees in the clerical bargaining unit.

7 1 7. The collective bargaining agreement negotiated pursuant
7 2 to chapter 20 for employees in the professional social
7 3 services bargaining unit.

7 4 8. The collective bargaining agreement negotiated pursuant
7 5 to chapter 20 for employees in the community-based corrections

6 bargaining unit.

9. The collective bargaining agreements negotiated pursuant to chapter 20 for employees in the judicial branch of government bargaining units.

10. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the patient care bargaining unit.

11. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the science bargaining unit.

12. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the university of northern Iowa faculty bargaining unit.

13. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa graduate student bargaining unit.

14. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa hospital and clinics tertiary health care bargaining unit.

15. The annual pay adjustments, related benefits, and expense reimbursements referred to in the sections of this Act addressing noncontract state and board of regents employees who are not covered by a collective bargaining agreement. Of the amount appropriated in this section, \$6,325,000 shall be allocated to the judicial branch for the purposes of funding annual pay adjustments, expense reimbursements, and related benefits implemented for judicial branch employees.

Sec. 6. NONCONTRACT STATE EMPLOYEES == GENERAL.

1. a. For the fiscal year beginning July 1, 2008, the maximum and minimum salary levels of all pay plans provided for in section 8A.413, subsection 2, as they exist for the fiscal year ending June 30, 2008, shall be increased by 3 percent for the pay period beginning June 27, 2008, and any additional changes in the pay plans shall be approved by the governor.

b. For the fiscal year beginning July 1, 2008, employees may receive a step increase or the equivalent of a step increase.

c. Notwithstanding the increase in paragraph "a", noncontract judicial branch employees shall receive increases similar to those employees covered by collective bargaining agreements negotiated by the judicial branch.

2. The pay plans for state employees who are exempt from chapter 8A, subchapter IV, and who are included in the department of administrative service's centralized payroll system shall be increased in the same manner as provided in subsection 1, and any additional changes in any executive branch pay plans shall be approved by the governor.

3. This section does not apply to members of the general assembly, board members, commission members, salaries of persons set by the general assembly pursuant to this Act or set by the governor, or other persons designated in the section of this Act addressing appointed state officers, employees designated under section 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

4. The pay plans for the bargaining eligible employees of the state shall be increased in the same manner as provided in subsection 1, and any additional changes in such executive branch pay plans shall be approved by the governor. As used in this section, "bargaining eligible employee" means an employee who is eligible to organize under chapter 20, but has not done so.

5. The policies for implementation of this section shall be approved by the governor.

Sec. 7. STATE EMPLOYEES == STATE BOARD OF REGENTS. Funds from the appropriation made from the general fund of the state in the section of this Act providing for funding of collective bargaining agreements shall be allocated to the state board of regents for the purposes of providing increases for state board of regents employees covered by such section of this Act and for state board of regents employees not covered by a collective bargaining agreement as follows:

1. For regents merit system employees and merit supervisory employees to fund for the fiscal year increases comparable to those provided for similar contract-covered employees in this Act.

2. For faculty members and professional and scientific employees to fund for the fiscal year percentage increases comparable to those provided for contract-covered employees in the university of northern Iowa faculty bargaining unit.

9 17 Sec. 8. APPROPRIATIONS FROM ROAD FUNDS.
9 18 1. There is appropriated from the road use tax fund to the
9 19 salary adjustment fund for the fiscal year beginning July 1,
9 20 2008, and ending June 30, 2009, the following amount, or so
9 21 much thereof as may be necessary, to be used for the purpose
9 22 designated:
9 23 To supplement other funds appropriated by the general
9 24 assembly:
9 25 \$ 1,485,911
9 26 2. There is appropriated from the primary road fund to the
9 27 salary adjustment fund, for the fiscal year beginning July 1,
9 28 2008, and ending June 30, 2009, the following amount, or so
9 29 much thereof as may be necessary, to be used for the purpose
9 30 designated:
9 31 To supplement other funds appropriated by the general
9 32 assembly:
9 33 \$ 8,335,688
9 34 3. Except as otherwise provided in this Act, the amounts
9 35 appropriated in subsections 1 and 2 shall be used to fund the
10 1 annual pay adjustments, expense reimbursements, and related
10 2 benefits for public employees as provided in this Act.
10 3 Sec. 9. SPECIAL FUNDS == AUTHORIZATION. To departmental
10 4 revolving, trust, or special funds, except for the primary
10 5 road fund or the road use tax fund, for which the general
10 6 assembly has established an operating budget, a supplemental
10 7 expenditure authorization is provided, unless otherwise
10 8 provided, in an amount necessary to fund salary adjustments as
10 9 otherwise provided in this Act.
10 10 Sec. 10. GENERAL FUND SALARY MONEYS. Funds appropriated
10 11 from the general fund of the state for distribution from the
10 12 salary adjustment fund in the section of this Act providing
10 13 for funding of collective bargaining agreements relate only to
10 14 salaries supported from general fund appropriations of the
10 15 state. Funds appropriated from the general fund of the state
10 16 for employees of the state board of regents relate only to
10 17 salaries supported by tuition or from general fund
10 18 appropriations of the state and shall exclude general
10 19 university indirect costs and general university federal
10 20 funds.
10 21 Sec. 11. FEDERAL FUNDS APPROPRIATED. All federal grants
10 22 to and the federal receipts of the agencies affected by this
10 23 Act which are received and may be expended for purposes of
10 24 this Act are appropriated for those purposes and as set forth
10 25 in the federal grants or receipts.
10 26 Sec. 12. STATE TROOPER MEAL ALLOWANCE. The sworn peace
10 27 officers in the department of public safety who are not
10 28 covered by a collective bargaining agreement negotiated
10 29 pursuant to chapter 20 shall receive the same per diem meal
10 30 allowance as the sworn peace officers in the department of
10 31 public safety who are covered by a collective bargaining
10 32 agreement negotiated pursuant to chapter 20.
10 33 Sec. 13. SALARY MODEL ADMINISTRATOR. The salary model
10 34 administrator shall work in conjunction with the legislative
10 35 services agency to maintain the state's salary model used for
11 1 analyzing, comparing, and projecting state employee salary and
11 2 benefit information, including information relating to
11 3 employees of the state board of regents. The department of
11 4 revenue, the department of administrative services, the five
11 5 institutions under the jurisdiction of the state board of
11 6 regents, the judicial district departments of correctional
11 7 services, and the state department of transportation shall
11 8 provide salary data to the department of management and the
11 9 legislative services agency to operate the state's salary
11 10 model. The format and frequency of provision of the salary
11 11 data shall be determined by the department of management and
11 12 the legislative services agency. The information shall be
11 13 used in collective bargaining processes under chapter 20 and
11 14 in calculating the funding needs contained within the annual
11 15 salary adjustment legislation. A state employee organization
11 16 as defined in section 20.3, subsection 4, may request
11 17 information produced by the model, but the information
11 18 provided shall not contain information attributable to
11 19 individual employees.
11 20 Sec. 14. Section 441.37A, subsection 2, unnumbered
11 21 paragraph 2, Code 2007, is amended to read as follows:
11 22 An appeal may be considered by less than a majority of the
11 23 members of the board, and the chairperson of the board may
11 24 assign members to consider appeals. If a hearing is
11 25 requested, it shall be open to the public and shall be
11 26 conducted in accordance with the rules of practice and
11 27 procedure adopted by the board. However, any deliberation of

11 28 a board member considering the appeal in reaching a decision
11 29 on any appeal shall be confidential. A meeting of the board
11 30 to review a pending appeal in advance of a hearing, to rule on
11 31 procedural motions in a pending appeal, or to deliberate on
11 32 the decision to be reached in an appeal is exempt from the
11 33 provisions of chapter 21. The property assessment appeal
11 34 board or any member of the board may require the production of
11 35 any books, records, papers, or documents as evidence in any
12 1 matter pending before the board that may be material,
12 2 relevant, or necessary for the making of a just decision. Any
12 3 books, records, papers, or documents produced as evidence
12 4 shall become part of the record of the appeal. Any testimony
12 5 given relating to the appeal shall be transcribed and made a
12 6 part of the record of the appeal.

12 7 Sec. 15. Section 441.38, subsection 1, Code 2007, is
12 8 amended to read as follows:

12 9 1. Appeals may be taken from the action of the local board
12 10 of review with reference to protests of assessment, to the
12 11 district court of the county in which the board holds its
12 12 sessions within twenty days after its adjournment or May 31,
12 13 whichever date is later. Appeals may be taken from the action
12 14 of the property assessment appeal board to the district court
12 15 of the county where the property which is the subject of the
12 16 appeal is located or to the district court of Polk county
12 17 within twenty days after the letter of disposition of the
12 18 appeal by the property assessment appeal board is postmarked
12 19 to the appellant. No new grounds in addition to those set out
12 20 in the protest to the local board of review as provided in
12 21 section 441.37, or in addition to those set out in the appeal
12 22 to the property assessment appeal board, if applicable, can be
12 23 pleaded, but additional. Additional evidence to sustain those
12 24 grounds may be introduced in an appeal from the local board of
12 25 review to the district court. However, no new evidence to
12 26 sustain those grounds may be introduced in an appeal from the
12 27 property assessment appeal board to the district court. The
12 28 assessor shall have the same right to appeal and in the same
12 29 manner as an individual taxpayer, public body, or other public
12 30 officer as provided in section 441.42. Appeals shall be taken
12 31 by filing a written notice of appeal with the clerk of
12 32 district court. The notice of appeal shall conform to the
12 33 requirements of a petition for proceedings for judicial review
12 34 as provided in section 17A.19. Filing of the written notice
12 35 of appeal shall preserve all rights of appeal of the
13 1 appellant.

13 2 EXPLANATION

13 3 This bill relates to the funding for the fiscal year
13 4 beginning July 1, 2008, of salary increases for justices,
13 5 judges, and magistrates, state elected officials, appointed
13 6 nonelected officers, employees subject to collective
13 7 bargaining agreements, certain noncontract employees, and
13 8 board of regents employees.

13 9 The annual salaries of justices, judges, and magistrates
13 10 are increased by 3 percent.

13 11 The annual salaries of the state elected officials are
13 12 increased by 3 percent.

13 13 The maximum and minimum salary levels of all pay plans of
13 14 noncontract state employees are increased by 3 percent and a
13 15 step increase or the equivalent of a step increase is
13 16 authorized.

13 17 A supplemental authorization is provided to fund salaries
13 18 from trust, revolving, and special funds for which the general
13 19 assembly has established a budget.

13 20 The salary model administrator is required to work in
13 21 conjunction with the department of management and the
13 22 legislative services agency to analyze, compare, and project
13 23 state salary and benefit information.

13 24 Code section 441.37A is amended to provide that meetings of
13 25 the property assessment appeal board to review a pending
13 26 appeal, to rule on procedural motions, or to deliberate on a
13 27 decision are exempt from the open meetings law.

13 28 Code section 441.38 is amended to provide that appeals from
13 29 the property assessment appeal board may be made in the
13 30 district court in Polk county. In addition, the Code section
13 31 is amended to provide that additional evidence to sustain an
13 32 appeal may be introduced when appealing a decision of the
13 33 local board of review. However, no additional evidence is
13 34 permitted if the appeal is of a decision of the property
13 35 assessment appeal board. Also added is that the notice of
14 1 appeal is to conform to a petition for judicial review under
14 2 the Iowa administrative procedure Act.

